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18 *North America, Inc.*

19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 SMITH & WESSON BRANDS, INC.,
22 SMITH & WESSON, INC.,

23 Plaintiffs,

24 vs.

25 SW NORTH AMERICA, INC.,

26 Defendant.

27 **AND ALL RELATED CLAIMS**

28 Case No. 2:22-cv-01773-JCM-EJY

29 **STIPULATION AND ORDER TO
30 EXTEND DISCOVERY DEADLINES**

31 **[SIXTH REQUEST]**

32 Pursuant to LR IA 6-1, LR 7-1, and LR 26-3, Plaintiffs SMITH & WESSON BRANDS,
33 INC. and SMITH & WESSON, INC. (“Plaintiffs”) and Defendant SW NORTH AMERICA, INC.
34 (“Defendant”), by and through their respective counsel, stipulate to extend the dates set forth in
35 Stipulation and Order to Extend Discovery Deadlines [ECF No. 78] by sixty (60) days, up to and
36 including *August 12, 2024*. This stipulation is the parties’ fifth requested extension of dates. In
37 support of this stipulation and request, the parties state as follows:

A. DISCOVERY COMPLETED

Plaintiffs' Initial Disclosures were served on January 31, 2023.

Defendant's Initial Disclosures also were served on January 31, 2023.

On March 15, 2023, Plaintiffs served a First Set of Interrogatories and a First Set of Requests for Production. Defendant served Objections and Answers to Plaintiffs' First Set of Interrogatories, Objections and Responses to Plaintiffs' First Set of Requests for Production, and a Privilege Log on May 8, 2023.

On April 5, 2023, Defendant served a First Set of Interrogatories to Plaintiff Smith & Wesson, Inc., a First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and a First Set of Requests for Production to Plaintiffs. Plaintiffs served Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Smith & Wesson, Inc., Responses and Objections to Defendant's First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and Responses and Objections to Defendant's First Set of Requests for Production to Plaintiff on May 31, 2023.

Pursuant to a June 5, 2023 Order [ECF No. 62] granting the parties' Joint Motion for Partial Stay of Discovery [ECF No. 61], expert discovery and all depositions were stayed pending the Court's resolution of Defendant's Motion to Dismiss [ECF No. 52]. The Order resolving the Motion to Dismiss was entered July 5, 2023 [ECF No. 63]. Since that time, counsel for the parties have met and conferred regarding the parties' respective written discovery responses and document productions. Those meetings led to settlement discussions between the parties, which as discussed below, have significantly progressed.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

Initial and rebuttal expert witness disclosures and depositions.

Party and percipient witness depositions.

Additional written discovery.

Third-party subpoenas.

C. REASONS WHY ADDITIONAL TIME IS NEEDED

As set forth in prior stipulations, the parties have continued to engage in settlement negotiations, exchanging multiple draft settlement term sheets. The settlement process has taken

1 longer than initially anticipated due to: (1) the complexity of the issues which the parties are
 2 attempting to resolve; (2) the fact that Defendant is a licensee of certain trademarks at issue in this
 3 case, with the licensor being Defendant's parent company located in Germany. Certain proposed
 4 settlement terms require consultation with the German parent company/licensor; and (3) certain
 5 proposed settlement terms require due diligence by Defendant to ensure, *inter alia*, that in resolving
 6 its dispute with Plaintiffs, Defendant will not encounter new trademark issues with other non-parties.

7 Counsel for the parties have remained in regular contact throughout the negotiation process,
 8 and this request for an extension of time is not sought for delay or any other improper purpose.
 9 Rather, the parties seek this extension solely to allow sufficient time for settlement negotiations or,
 10 if necessary, to complete discovery and prepare their respective cases for trial. The parties
 11 respectfully submit that the reasons set forth above constitute good cause, and to the extent
 12 applicable excusable neglect¹, for the requested extension.

13 The following is a list of the current discovery deadlines and the parties' proposed extended
 14 deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Amend Pleadings or Add Parties	May 15, 2023	Closed
Expert Disclosure pursuant to FRCP 26 (a)(2)	April 12, 2024	June 11, 2024
Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	May 13, 2024	July 12, 2024
Discovery Cut-off	June 11, 2024	August 12, 2024
Dispositive Motions	July 12, 2024	September 10, 2024
Pretrial Order ²	August 12, 2024	October 11, 2024

25 ¹ The current deadline for initial expert disclosures is April 12, 2024. To avoid potentially
 26 unnecessary expert expenses, the parties have focused their efforts on continued settlement
 27 discussions. At this juncture, expert disclosures by April 12, 2024 are not feasible.

28 ² In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be
 suspended until 30 days after decision on the dispositive motions or until further order of the Court.
 (footnote continued)

1 WHEREFORE, the parties respectfully request that this Court extend the discovery period
2 by sixty (60) days from the current deadline of April 12, 2024 up to and including June 11, 2024,
3 and the other dates as outlined in accordance with the table above.

4 Dated: March 29, 2024

Dated: March 29, 2024

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15 **ORDER**

16 
17 Raymond J. Zouchah
18 U.S. MAGISTRATE JUDGE

19 DATED: April 1, 2024

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27 The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in
28 the joint pretrial order.